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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,502	03/31/2000	Thomas G. Brewer	8374	4129
21186	7590	07/26/2004	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JAN 2004

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/540,502	BREWER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 29 April 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5, 10, 15 and 20 is/are allowed.
- 6) Claim(s) 1-4, 6-9, 11-14, and 16-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations as cited in independent claims “dynamically recording a dialogue” and “dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to clearly address a process or method to dynamically recording a dialogue or dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue as cited in the claim language. The specification does mention the term

“recording and modifying”, but it does not provide any clear definition of “dynamically recording” and “dynamically modifying” to enable one skilled in the art to understand.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, it is indefinite by the limitation “dynamically recording a dialogue” and “dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue”. For examination purposes, the examiner considers the limitation as recording a dialogue and using the dialogue to modifying at least one of the interactions.

Claims 6,11,16, and 18 have same problem as cited above of claim 1. Thus, claims 2-5, 7-10,12-15,17, and 19-20 are also rejected for being dependent on the rejected based claims.

#### ***Response to Amendment***

6. The amendments filed April. 29, 2004 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In every independent claims, the applicant amended as dated above the media content is data dynamically recording (e.g. claim 1 line 7) and dynamically modifying at least one of the

interaction based on a dynamic evaluation of the dialogue (e.g. claim 1 lines 8-9) wherein these limitations introduce new matter into the disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

7. Applicant's arguments filed 04/29/04 have been fully considered but they are not persuasive.

The applicant argues in pages 12 for independent claims that the cited reference does not disclose dynamically recording a dialogue and dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue.

The examiner respectfully submits that dynamically recording a dialogue and dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue is a new subject matter that was introduced in amendment filed on April 29, 2004. As clearly stated above, the examiner disregards this particular limitation "dynamically recording a dialogue and dynamically modifying at least one of the interactions based on a dynamic evaluation of the dialogue". Based on the claim language without that limitation, the cited reference still meets the rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,6-9,11-14, and 16-20 rejected under 35 U.S.C. 102(e) as being anticipated by Busey et al. U.S. Patent 6,665,395.
3. Referring to claims 1,6,11, and 16, Busey reference disclose a plurality of devices interfaced to said customer (Figures 1A, and 2C); identifying a first interaction on a first channel (Figure 1A disclose customer use the phone to establish the connection with the agents) and a second interaction on a second channel (Figure 1A disclose customer use the browser to access the internet), wherein the first and second channels are different channels (as explain above, both channels are different); identifying a customer associated with the interactions, wherein the interactions are occurring concurrently (Figure 2A discloses customer access the corporate webs site (WRU), and when the WRU determine that the customer's inquiry needs to be serviced by agent it will escalated the inquiry to WebACD where agent assistance, see col. 7, lines 55 through col. 8, lines 5); recording a dialogue corresponding to the first and second interactions (col. 8, lines 26-34); and using the dialogue to modify at least one of the interactions (col. 5, lines 26-37; col. 8, lines 26-47; and col. 12, lines 65 through col. 13, 1<sup>st</sup> paragraph).
4. Referring to claims 2, 7, and 12, Busey reference disclose using the dialogue to modify at least one of the channels (Figures 2A, and 4A; col. 5, lines 26-37; col. 7, lines 12-24; col. 7, lines 56 through col. 8, lines 33; and col. 9, lines 30-61).
5. Referring to claims 3, Busey reference disclose identifying a first subject matter associated with the first interaction (Figure 2C, customer interact with corporate web site) and a

second subject matter associated with the second interaction (Figure 2C, customer 240 need service from agent); connecting a first service provider (WebACD) to the first interaction based upon the first subject matter and the first channel, and connecting a second service provider (Telephony ACD) to the second interaction based upon the second subject matter and the second channel (col. 9, lines 5-20).

6. Referring to claims 4,9,14, and 19, Busey reference disclose enforcing a plurality of business policies and customer profiles for each of the channels and each of the interactions (col. 5, lines 15-37; col. 8, lines 16-34; and col. 13, lines 8-17).

7. Referring to claims 8, and 13, Busey reference disclose means for storing a customer profile associated with each of the interactions and means for retrieving the customer profile associated with each of the interactions (col. 8, lines 16-34; and col. 13, lines 8-17)

8. Referring to claim 16, Busey reference disclose providing a customer profile database, storing in the customer profile database a plurality of concurrent dialogues occurring with a customer (col. 8, lines 16-34; and col. 13, lines 8-17); initiating a service provider, and establishing an interaction initiated by the service provider with a customer extracted from the customer profile database wherein the interaction occurs over multiple different channels (Figures 1A, 2A, and 2C; and col. 5, lines 26-37; col. 8, lines 26-47; and col. 12, lines 65 through col. 13, 1<sup>st</sup> paragraph).

9. Referring to claim 17, Busey reference disclose extracting a customer profile from the customer profile database, enforcing a plurality of business policies and customer profile for the interaction and the channel (col. 5, lines 15-37; col. 8, lines 16-34; and col. 13, lines 8-17).

10. Referring to claim 18 is rejected under the same rational set forth above to combination of claims 1, and 3.

***Allowable Subject Matter***

Claims 5,10,15, and 20 are allowed.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu ( 7AM-4:30PM ) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen  
Examiner  
Art Unit 2143

July 15, 2004



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100